THE SENATE DEBATES

FIRST SESSION—TWELFTH PARLIAMENT.

SPEECH

BY

HON. P. LANDRY

ON

MANITOBA BOUNDARIES

OTTAWA, MONDAY, MARCH 25, 1912.

Hon. Mr. LANDRY—Hon. gentlemen, at the outset I will be allowed, I presume, to read to this House a telegram I received from Le Pas. It is addressed to the Speaker and members of this Senate:

Minority of Keewatin protest against annexation to Manitoba without its school rights being guaranteed. Demand rejection of the Bill in Senate. Petition follows, (signed) O. Charlebois, for the minority.

I will lay that telegram on the table. The circumstances under which the present confederation took the place of the former union of Upper and Lower Canada and the special conditions that brought about its inception are all well known. The union of the two Canadas could no longer survive the countless differences that daily tore it and that made a successful administration of the affairs of these two old provinces thenceforth impossible. Necessity demanded the discovery of some other political system whereby each one of the provinces might be allowed to settle for itself according to its own will and for its own immediate benefit those thousand and one questions of special interest, the solution of which, for over twenty years, had been left to an administration that repeated political crises had weakened and spasmodic political convulsions were killing.

A confederation, with a federal parliament where great questions of general interest would be discussed, and with local legislatures wherein the more domestic problems of special interest to the different provinces would be regulated, was proposed. And for that, confederation was accepted.

The provinces that then decided to form part of that confederation only consented to become members thereof after protracted deliberations in which some of the most distinguished men of Upper and Lower Canadas, of Nova Scotia and New Brunswick had taken part. It was they who discussed the project of confederation and who settled, by common agreement, the basis on which the new political structure was to be raised. We had a written agreement, sanctioned by England, and to which the impe-

rial power gave a legal existence by means of an enactment—an enactment that we cannot touch, that is the ark of our liberty, wherein our most sacred interests have been deposited, safe from all attack, from the breath of hatred, the turmoil or racial and religious contentions, under the protecting folds of the British flag.

What, then, is this Canadian confederation and what is its grand characteristic?

It is the assemblage of all the heterogeneous elements, of divers races, different creeds, varied tastes, aspirations and tendencies; who under one sky, from the fringes of the Atlantic to the mirror expanse of the Pacific, live beneath one flag, in a union of hearts and minds, and growing up with a common desire to raise their common country to the rank of a nation respected abroad and prosperous at home.

The Canadian confederation is a union of diversities, and those very diversities render still more admirable the union that blends them together.

But if that union of divers elements has constituted a confederation we may say, without giving umbrage, that their harmonizing will be the source of the country's greatness and prosperity.

It was in order to secure that harmony that, from the outset, the fathers of confederation established a division of powers between the federal parliament, on the one hand, and the provincial legislatures, on the other.

The British North America Act consecrates that division and enumerates the powers that belong to the federal parliament and those conferred on the legislatures.

There is also another principle which equally consecrates—and with like force—our constituting enactment.

It is the preservation to the minority—in each of the provinces—in matters educational—of all the privileges and of all the rights which that minority might have acquired before the entry of such province into the confederation. And it is in this way that the rights to denominational schools were for ever secured in the provinces where they were then found in existence.

The British North America Act says so:

> 93. In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions:—
>
> (1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

The question as to whether Catholics in general have a right to denominational schools is answered by our charter, the imperial enactment, in these words: 'Yes, at all events in the provinces where such schools exist according to law, at the time of their entry into the confederation.'

And this accords with the consecrated principle of the preservation of a right already acquired.

If we apply this general principle to the territories that come into the confederation, without having had any prior provincial existence and without having had consequently any opportunity as provinces to legislate on educational matters, we are led infallibly to the same conclusion.

This is easy of demonstration.

The territories are under the immediate control and government of the federal power.

The only laws that govern them are federal laws. The ordinances after all are merely regulations authorized by the federal law, repealable at will, annullable at any time.

Not being provinces, no provincial laws could they have, nor could the territories acquire such rights as provinces create for themselves.

Yet those territories are none the less subject to laws, and if those federal laws, the only laws possible in the case, give to a particular class of people, in these territories, denominational schools, the same principle of the preservation of acquired rights which applies to provinces on their entry into the confederation, applies equally and with the same force to those same territories when they, in turn, enter the confederaion.

Now, as a matter of fact, the Northwest Territories are subject to that legislation

of 1875, passed by this parliament and which, fully thirty seven years ago, accorded them separate and denominational schools.

That law has never been repealed.

It still exists, and in as far as concerns separate and denominational schools, it exists, just as it was passed in 1875, without ever having undergone any modification.

Therefore the territories come into confederation with rights and privileges recognized and given by law.

The Catholics of the Northwest, therefore, as the Catholics in all provinces, wherein separate and denominational schools exist, have an inalienable right to their denominational and separate schools.

In no other sense can the British North America Act be interpreted.

It was so interpreted in 1875 by the late George Brown when he said (I quote from Sir Wilfrid Laurier's speech) in 1905:

> I repeat again that Mr. Brown, on the floor of the Senate, did not want this clause providing for separate schools to be introduced in the Act. He stated that it would be a mistake to introduce separate schools, he said that he was opposed to separate schools, but he said that if at any time separate schools were introduced they came under the Act of Union, and they were there for all time.

In 1891 the same conclusion was arrived at by Colonel O'Brien and the late Dalton McCarthy during the discussion that then took place in the House of Commons on a proposition to amend the Northwest Territories Act.

Speaking of the separate schools, Colonel O'Brien said:

> The subject, of course, is one that is comparatively new, for all our dealing with the Northwest Territories have been so far tentative, and experimental rather than absolute. We are now, however, going a step further. We are now giving to this assembly powers which it has not hitherto possessed; and there is one thing which may be taken for granted, that with the acquisition of the new powers given under this Act, the people of these territories will inquire why they should be restricted in this great and important particular. It is because I think such is the case, and because I do not wish on a future occasion, when this subject comes again before the House for further legislation, that those who think as I do on this system of education should be met with the objection that so many years ago this system was established by law and that, therefore, a vested right is created which the legislature should not now interfere with. Why, Sir, it would be almost fair to argue that this would come within the provisions of the British North America Act. If not in reality it would by analogy, because the British North America Act secured to the provinces which came into confederation whatever rights were enjoyed by the supporters of separate schools at the time of confederation, and if we create new provinces out of these territories it may be fairly argued that the analogy of the British North America Act will apply, and that in creating new provinces and bringing them into confederation there will be something like the same rights guaranteed to the provinces having separate schools before coming in under the British North America Act.

The present Chief Justice of the Supreme Court of Canada, at that time, Minister of Justice in the Laurier's administration after a most careful study of the whole subject and with the full knowledge of the grave responsibility assumed by him in giving a legal opinion on that question of the rights of the minority, did affirm to the House of Commons, in the most solemn way, on the 10th May, 1905, that in the absence of any special enactment on matters educational, clause 93 of the British North America Act would certainly apply automatically, and such application would bring in and protect all the rights and privileges set forth by the Northwest Territories Act.

Here are the words spoken by the Minister of Justice:

> Mr. FITZPATRICK. I might point out my views of the constitutional question because in my judgment this is to a very large extent a constitutional question and has to be considered from that standpoint. Section 2 would bring into effect section 93 of the British North America Act, if section 16 were not in this Bill at all. If section 16 were omitted, section 93 of the British North America Act would be applicable; but then we would meet this difficulty, a doubt arises as to whether section 93 can be considered as applicable to the Northwest Territories in view of the fact that in the first provision of that section the words used are 'the rights and privileges in force in the province at the union.' Technically while these territories may have practically all the legislative powers of a province, they are not a province now, within the meaning of section 93 of the British North America Act, and it was to avoid the difficulty that I substituted in section 16 in the first paragraph the word 'territory' for 'province.' Then the other difficulty that would have arisen is what is meant by the words 'at the date of the union.' In my opinion there can be no doubt that the date of the union is the date at which the territories came into the Dominion as a province and not the date at which these Indian territories were brought into the Dominion as territories. It was to make that point clear also that I amended the first clause in the way I did.

Mr. R. L. BORDEN. Does my hon. friend regard section 16 as exercising upon section 2 the restrictive effect which hon. gentlemen on the other side have contended it does?

Mr. FITZPATRICK. My argument now, is that section 16, read in the light of these words in section, 'except in so far as varied by this Act'—is to be substituted for section 93; and section 93 is not applicable to the new province at all, because that section is varied by section 16.

Mr. R. L. BORDEN. I understand that perfectly whether we agree with it or not. But assuming that there was no doubt about the effect of section 2, assuming that there was not that doubt which the hon. gentleman now explained, would it bring into effect the Act 1875?

Mr. FITZPATRICK. It would bring into effect section 93 of the British North America Act which would include the Act of 1875.

Mr. R. L. BORDEN. That is just it. I was taking the short line. Section 93 would have the effect of perpetuating the Act of 1875, in so far as it embodies what we call the restrictive principle. Does the hon. minister regard section 16 (which is substituted for section 2), in its amended form or in its original form as having the same effect?

Mr. FITZPATRICK. In my judgment section 93 as amended would bring in all the rights and privileges which exist in favour of denominational schools in the territories at the present time or at the 1st of July coming. Those rights and privileges would include all those rights which are covered by section 11 of the Act of 1875 and any subsequent legislation up to the present time, and, in my opinion—and I must say I have given this matter most careful consideration, and it is my settled opinion—it would cover all the privileges conferred by the Act of 1875, notwithstanding the provisions of any ordinances that may have been passed by virtue of that Act.

Mr. R. L. BORDEN. Exactly my own view.

But that is not all.

There are sacred obligations that no country can ignore without compromising its honour.

We are to-day face to face with one of those solemn engagements which, with a full comprehension of its circumstances, our country has contracted and which it cannot, without injury to its reputation, ignore.

After having purchased from the powerful Hudson's Bay Company the rights and privileges that the latter held in those vast regions known as Rupert's Land, and the Northwest Territories, when Canada wished to take possession of its new domain and exercise its authority over the same, an insurrection broke out and the people flew to arms.

But in this, let one who was most intimately connected with those stirring events, and who was commissioned by the Crown to re-establish peace in that new land, speak.

An official document laid before the House of Commons on the 17th June, 1891, (No. 51 of the session of 1891), gives us the authentic story of the negotiations between the government of Canada and the delegates chosen by the people of the Northwest. In a letter written by Monseigneur Taché, and addressed to the Governor General, we read:

Previous to the transfer of the Northwest Territories to the Dominion of Canada, there prevailed a great uneasiness amongst the inhabitants of the said Territories, with regard to the consequences of the transfer. The Catholic population especially, mostly of French origin, thought they had reason to foresee grievances on account of their language and their religion, if there were no special guarantee given as to what they considered their rights and privileges. Their apprehensions gave rise to such an excitement that they resorted to arms; not through a want of loyalty to the Crown, but only through mere distrust towards Canadian authorities, which were considered as trespassing in the country previous to their acquisition of the same. Misguided men joined together to prevent the entry of the would-be Lieutenant Governor.

The news of such an outburst was received with surprise and regret both in England and Canada.

All this took place in the autumn of 1869.

I was in Rome at the time, and at the request of the Canadian authorities I left the Œcumenical Council to come and help in the pacification of the country. On my way home, I spent a few days in Ottawa. I had the honour of several interviews with Sir John Young, the Governor General, and with his ministers. I was repeatedly assured that the rights of the people of Red river would be fully guarded under the new regime; that both imperial and federal authorities would never permit the new-comers in the country to encroach on the liberties of the old settlers; that on the banks of the Red river, as well as on the banks of the St. Lawrence, the people would be at liberty to use their mother tongue to practise their religion and have their children brought up according to their views.

On the day of my departure from Ottawa His Excellency handed me a letter, a copy of which I attach to this Appendix A, and in which are repeated some of the assurances given verbally. 'The people,' says the letter, 'may rely that respect and attention will be extended to the different religious persuasions.'

The Governor General, after mentioning the desire of Lord Granville 'to avail of my assistance from the outset,' gave me a telegram he had received from the Most Honourable the Secretary of the Colonies, which I attach to this as Appendix B, and in which His Lordship expressed the desire that the

Governor General would take 'every care to explain where there is a misunderstanding and to ascertain the wants and conciliate the good-will of all the settlers of the Red river.'

I was, moreover, furnished with a copy of the proclamation issued by His Excellency on the 6th of December, 1869, which I attach to this as Appendix C. In this proclamation we read: 'Her Majesty recommends me to state to you that she will be always ready, through me as her representative, to redress all well-founded grievances, and any complaints that may be made, or desires that may be expressed to me as Governor General.

'By Her Majesty's authority I do therefore assure you that on your union with Canada, 'all your civil and religious rights and privileges will be respected'.'

A delegation from Red river had been proposed as a good means of giving and receiving explanations conducive to the pacification of the country. The desirability of this step was urged upon me as of the greatest importance, and the premier of Canada, in a letter I attach to this as Appendix D, wrote to me: 'In case a delegation is appointed to proceed to Ottawa, you can assure them that they will be kindly received and their suggestions fully considered. Their expenses coming here and returning and while staying in Ottawa will be defrayed by us.'

I left after having received the above mentioned instructions, and reached St. Boniface on March 9, 1870.

I communicated to the dissatisfied the assurances I had received, showing them the documents above cited. This largely contributed to dispel fears and to restore confidence. The delegation which had been delayed was definitely decided upon. The delegation appointed several weeks before, received their commission afresh. They proceeded to Ottawa, 'opened negotiations with the federal authorities,' and with such result that on May 3, 1870, Sir John Young telegraphed to Lord Granville: "Negotiations with delegates closed satisfactorily.'

The negotiations provided that the denominational or separate schools would be guaranteed to the minority of the new province of Manitoba. The French language received such recognition that it was decided it would be used officially both in parliament and in the courts of Manitoba.

The Manitoba Act was then passed by the House of Commons and Senate of Canada, and sanctioned by the Governor General.

I may add that since these pages were written, the highest judicial tribunal of England, in a celebrated judgment recognized in that legislation the character of a solemn pledge when it said:

There is no doubt either what the points of difference were, and it is in the light of these that the 22nd section of the Manitoba Act of 1870, which was in truth a parliamentary compact, must be read.

The interpretation given by the Privy Council to the Manitoba Act, does not merely apply to that province alone, for the good reason that the agreement (pacte) in question was not entered into with the inhabitants of Manitoba only—Manitoba did not exist when that agreement was made—but with all the inhabitants of Rupert's Land, and the Northwest Territories, of which Keewatin necessarily formed part. This is made clear and indisputable by the letters from the Governor General and the Prime Minister of Canada to Monsigneur Taché, of the 16th February, 1870, by the proclamation of the Governor General under date the 6th December previous, by the Bill of Rights and by the preamble of the Manitoba Act of 1870 (33 Vic., chap. 3.)

I feel that I have proven that in the Northwest Territories, constituted as they are to-day, and comprising what is to be annexed to Manitoba, the minority has an undeniable right to separate schools, and that our co-religionists have a right to lay claim to the privilege of enjoying their denominational schools.

Notwithstanding the fact that those undeniable rights are well recognized by that imperial legislation which is the written constitution of this land of ours, notwithstanding the fact that those rights were guaranteed by the law of nations wherever international laws are binding, and protect any treaty contracted in the name of the Crown, the Catholics of Alberta and Saskatchewan were coolly and unmercifully deprived and stripped of their vested rights when the Autonomy Bills of 1905 became the law of the land. The spoliation was manifest. The federal laws which gave Alberta and Saskatchewan their constitution so amended the British North America Act as to restrict the rights, powers and privileges which that Act accords to a certain class of persons in all the other provinces of the Dominion

That which is granted to the minority of all the provinces in general was refused in Alberta and Saskatchewan to the minority of those two provinces.

The demonstration of this will be brief but positive.

Clause 93 of the British North America Act reads thus:

93. In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions:—

(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

In virtue of this clause, a province which comes into the confederation with an established system of denominational schools, recognized by its own laws, has the undeniable right to preserve that system and any enactment that might subsequently prejudice in any way whatsoever that right is held to be unconstitutional and worthless.

So much for the general law affecting the provinces.

Why did the Laurier government deem it well to depart therefrom by imposing a totally different law upon the new provinces? His exceptional enactment formally consecrated the following clause:

17. Section 93 of the British North America Act, 1867, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:—

'(1) Nothing in any such law shall prejudicially affect any right of privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.'

Such a clause upsets the entire spirit of clause 93 of the British North America Act, because it substitutes in the first paragraph of the imperial enactment the words separate schools for the words denominational schools, restricting it thereby to those separate schools only that conform to the ordinances of 1901, a protection which heretofore guaranteed the existence of the denominational schools that the law rocognized.

In order to understand the nature of this exceptional legislation which was imposed on the new provinces and to seize the full scope of the crying injustice which was perpetrated upon the Catholic and the French minority of the Alberta and the Saskatchewan, we need but ask ourselves the meaning of a denominational school and that of a neutral school and then to make evident the vast difference that exists between the two.

In regard to the instruction given therein the denominational school exists when that instruction is impregnated with the religious spirit of the denomination to which it belongs. Thus we have Catholic, Anglican, Methodist, Presbyterian, &c., schools, according as the teaching therein is impregnated with a Catholic, Anglican, Methodist or Presbyterian spirit. If the instruction given in a school is entirely divorced from all religious influence, if that instruction can be indiscriminately given to all the pupils frequenting the schools, be their differences of religious belief what it may, if that instruction, from its very nature, cannot graft upon any religious belief, that school is a neutral one, in contradiction to the denominational school.

And again, a very different thing is the separate school.

Its name tells what it is: A school detached from an already existing school, a school separated from the ordinary school of the district in which it is established; it is the school of a minority that will not or cannot accept the instruction given to the majority.

The separate school is that which faces the public school.

It need not necessarily be a denominational school.

For example, in a school district where the Catholic majority has a Catholic public school, consequently a denominational one, the school of the Protestant minority becomes a separate school which might perfectly well be, and very likely would be, a neutral school.

This is a fact that none will dispute and which the school system of the province of Quebec, moreover, most clearly illustrates. For its part, the law confirms the doctrine that I propound when, in clause 93 of the British North America Act, it mentions the powers, rights and privileges of the dissentient schools of the Queen's Protestant subjects in the province of Quebec (paragraph 2), and the rights and privileges

of the Protestant minority in every province in which a separate school system obtains (paragraph 3).

In fine, the Northwest ordinances of 1901 upon which rests the school enactment of the Autonomy Law of 1905, ordain—(clause 14)—that the minority, Protestant or Catholic, of the ratepayers of every district (clause 45) may establish therein a separate school that will be subject to all the obligations imposed on public schools.

It is, therefore, more than abundantly proven that a separate is not necessarily a denominational school, and that, in Alberta and in the Saskatchewan such a school cannot even be a denominational school.

The iniquity of Sir Wilfrid Laurier's legislation, is now apparent in all its ugliness to eyes that will not lose sight of the distinction which has just been established between the denominational and the separate school.

The constitution guarantees the preservation of denominational schools in all provinces wherein such schools have had already a legal existence at the time of the entry of any of them into the confederation.

In 1875, by a special enactment, the federal parliament granted denominational schools to the Northwest Territories.

In fact the law of 1875 gave the majority in each school district the right to have whatever school it thought fit, consequently the right to denominational schools. Consequently this right given by law was safeguarded by paragraph 1 of clause 93 of the British North America Act, and the Catholic minority, wherever there was one in the school districts of the Northwest Territories, retained, guaranteed by the constitution itself, the privilege already obtained.

What did Sir Wilfrid Laurier do?

With a stroke of his pen he blotted out from the British North America Act the words denominational schools and substitutes therefor the words separate schools.

By that one stroke the Catholics of the Northwest Territories, in the districts in which they are the majority, have lost their right to denominational schools.

The minority alone, and only in the districts in which such minority exists, can henceforth have separate schools, but separate schools such as they are constituted by the ordinances of 1901, that is to say, separate schools from which religious instruction is banished.

This is what the Laurier-Sifton amendment gave to the Catholics of the Northwest.

That which our constitution guarantees in general terms to all the other provinces of the Dominion, Sir Wilfrid Laurier snatches violently from our charter and deliberately refused it to the Catholics of the new provinces.

And Catholics are found who proclaim themselves satisfied with this guilty deed of spoliation and who, in dust and humiliation, ask that we join freely in the sacrifice of their rights and in the glorification of that iniquitous piece of legislation.

We have no part in it. We wish to defend our rights, despite the unqualified blindness of those who have eyes and who will not see. Despoiled of their right to denominational schools by the culpable substitution of the words separate schools for the words denominational schools in the British North America Act, the Catholics have been reduced to only what the ordinances of 1901 can give them. So ordains the Laurier-Sifton amendment. And what do those despoiling ordinances give them? We will learn it from the very lips of those who claim to have made a serious study of the question.

In 1905, Mr. Paterson, a member of the Laurier cabinet, expressed himself in the following way on this subject of separate schools:

> It must be borne in mind that those separate schools are formed precisely as every school district is formed. Although the name separate school appears to convey to the minds of some people the impression that they are separate in the sense in which they are established in some other province, there is no distinction between these schools as regards organization, or the qualification of teachers, or the text-books, or the right of state inspection, or in the reports they have to make. In every respect, they are under the commissioner of education in absolutely the same manner as is every other public school in the Territories.
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> Precisely the same course of study that is followed in the public schools is to be followed in these schools; but when the hour of 3.30

p.m. arrives, if the trustees of the separate school desire, religious instruction may then be given to the youth therein. Is that a concession made particularly to our Roman Catholic brethren? Why, the same clauses apply to every school, Protestant, public and every other. No special right, no special permission is given the separate schools which is withheld from the other.

Mr. Crawford, the member in 1905 for Portage la Prairie, belonged to the Orange order. He was at the same time one of Sir Wilfrid Laurier's most devoted followers.

Let us open our ears to what he uttered on the 14th of April, 1905:

If this Bill goes through, it will establish not what I claim are separate schools. In fact, the name 'separate' should hardly have been used in connection with them. We propose to continue in the Northwest Territories what they have already got—Catholic public schools and Protestant public schools, no matter whether they are Catholic or Protestant, which are public schools, and which are free to all classes of children, having the same text-books, the same qualified teachers, under the same control, and that control entirely in the hands of the government, and not in any way connected with the church I feel as strongly on this question, I think, as any person in Canada at the present time. I think that possibly my Orange feelings or proclivities are just as strong as those of the hon. member for East Grey (Mr. Sproule). And if there was anything in the nature of a prejudice in connection with it, I should have it, being an Orangeman. If I thought there was being established in the Northwest Territories what the people of Ontario have in their minds to-day, that is Roman Catholic church controlled schools, I would oppose it as strenuously as any one. I would not stand it for a minute. But we have nothing of that kind. The very opposite is the condition.

The Hon. Mr. Fielding is not less explicit when he said, in discussing the law of the Alberta and the Saskatchewan, in 1905:

What is this law which we are going to confirm and to continue in the new provinces of Alberta and Saskatchewan? We are told that this provides for a system of separate schools Well, a system of separate schools may mean one thing in one quarter and another thing in another quarter. Whatever may be said as respects other countries, or other provinces, it would be utterly mistaken to say that we are giving to the Northwest provinces separate schools in that sense of the word. I submit to this House that the system of schools which we have to-day in the Northwest Territories is a national school system, and if it has all the elements of a national school system then I say there is no principle involved in the discussion which would justify us in having a quarrel over it. What is this system? The system of schools which prevails to-day in the Northwest Territories exists by virtue of chapters 29, 30 and 31 of the ordinances of the Northwest Territories. So far as the principle of separate schools is concerned, of course that principle was to be found in the Act of 1875 and the ordinances adapted themselves to it. But if you read these three ordinances of the Northwest Territories you will rise from the perusal of them with the conviction that in that country they have a system of national schools which may well challenge the admiration of the people in other portions of this country. What then, are the essential elements of national schools? I take it for granted that if you have a school which is established by the public authorities, if the management of the school derives all its authority and privileges from a regulation of the government of the state, if you have a system of schools under which the proper authorities of the state or the province, or territory as the case may be, themselves specify the school books, establish the course of study, provide for the inspection of the schools and for the distribution of the money, if you have all those elements, then, I say you have a system of state-created, state-managed and state-supported public schools. Every one of these conditions exists to-day in the public school system of the Northwest Territories.

From the hour at which these schools open in the morning up to half-past three in the afternoon; they are absolutely alike; there is no difference; the teachers have the same duties, the same qualifications; the same examinations, the same course of study, the same books are prescribed by the government the regulations are made by the government. I repeat that from the hour of opening in the morning up to half-past three in the afternoon, there is no shade of difference in all these schools in the Northwest Territories.

But why seek elsewhere, that which Sir Wilfrid Laurier, himself, explained in such clear terms in the now historic letter which he gave to the public, and in which he said to one of his friends who had consulted him on the subject:

The impression prevails that separate schools such as they are intended by the Bill will be ecclesiastical schools. This is quite an error. What you call separate schools in this instance is practically national schools. Here is the law of the Northwest Territories at the present moment. All the teachers have to pass an examination and be certified by the Board of Public Instruction; all the schools have to be examined by inspectors appointed by the Board of Public Instruction all books in use at the schools have to be approved by the Board of Public Instruction; all secular matters are under the control of the Board of Public Instruction, all tuition has to be given in the English language; at 3.30 children can be given religious instruction, according to rules made by the trustees of the schools, but attendance at this is not even compulsory.

Do you find fault with this last clause? Do you not believe that what you call 'separate

schools' in this instance, is really 'national schools?'

The great objection to separate schools is that it would divide our people, but if the same education is given in what is called 'separate schools,' as in all other schools, I fail to see what objection there is to such a system.

Everybody may now see in what an inferior position the Catholics of Alberta and Saskatchewan stand, and if there is one thing which I fail to understand it is that prayer made to us and contained in the following paragraph of the resolutions adopted in Winnipeg the 13th of the present month by the convention assembled in Manitoba Hall, and which reads:

7. That this convention speaking on behalf of the Catholic laymen of Manitoba declares its willingness to accept as a solution of this vexed question a settlement along the lines of that adopted in Alberta and Saskatchewan as embodied in the Act of 1905.

Those Catholic laymen of Manitoba are merely asking for a stone in place of bread. They are willing to sacrifice their rights to denominational schools for that kind of separate schools which Sir Wilfrid Laurier implanted in the new provinces, and which to all intents and purposes are strictly neutral, non-sectarian and condemned by the head of the church and by the Catholic consciences.

Such a demand introduced in the resolutions adopted by the Catholic laymen of Manitoba is merely clap-trap, and must have been framed by some astute politician desiring blind approval of the nefarious settlement made by the Laurier government of the school question in the new provinces of the Northwest Territories.

It can not and it should not be put forward in the settlement of the actual difficulties which surround the question now submitted to our deliberations.

What is the present question?

In 1908, the 13th day of July,

Sir Wilfrid Laurier moved, seconded by Mr. Fielding, that whereas petitions have been presented to the government and to this House (of Commons) from the legislative assembly of Manitoba, praying for an extension of the boundaries of the said province, northward and eastward, and for an additional subsidy to the said province, in lieu of the ownership of public lands in the territory to be so added.

Be it resolved:—

That it is evident that the prayers of said petitions should be acceded to and that upon such terms and conditions as may be agreed to by the said legislative assembly and by parliament, the boundaries of Manitoba be extended as follows, &c.

The Bill now before us is the sequence of the petition coming from the legislative assembly of Manitoba, praying for an extension of the boundaries of the said province, and of the resolutions adopted by the House of Commons on the 13th of July, 1908.

It is the province of Manitoba who is the petitioner, by the mouth of its legislative assembly.

Is not the first thing which we should consider before granting Manitoba what Manitoba asks, to ascertain what is the actual standing of that small province in the face of the Dominion of Canada?

If my memory serves me right, some years ago serious difficulties occurred in that province because the sacred rights of a Catholic minority had been trampled upon by an implacable majority. The case had been referred to the Judiciary Committee of the Privy Council in England, and that tribunal, the highest in the British Empire, had ordered the Dominion government to take up the matter and to settle it according to the enactments of our consitutional law. Canada and Manitoba came into collision. With what effect, the official documents will answer.

Let us, in the first place, see what was the judgment given by the Lords of the Judiciary Committee of the Privy Council.

That judgment has been commented upon by Sir Wilfrid Laurier a few days ago in such a sophistic manner that it is necessary to give here the words of the finding of their Lordships.

One must not forget—as Sir Wilfrid Laurier so wilfully has done—that what was before the Privy Council in the case of Brophy was not a demand to restore to the Catholic minority of Manitoba their separate schools as they existed prior to the provincial legislation of 1890, but what was before the Privy Council was a series of questions respecting the legal interpretation to be given to the Manitoba Constitutional Act, and the authorized definition of

the powers vested in the federal government acting as the tribunal selected to settle the grievances of the minority. It is in that light, completely but wilfully ignored by Sir Wilfrid Laurier, that we must read the findings of the Privy Council.

I quote from pages 11, 12 and 15 of the Sessional Document No. 20 of Vol. xxviii of the Sessional Papers:

Contrast the position of the Roman Catholics prior and subsequent to the Acts from which they appeal. Before these passed into law there existed denominational schools, of which the control and management were in the hands of Roman Catholics, who could select the books to be used and determine the character of the religious teaching. These schools received their proportionate share of the money contributed for schools purposes out of the general taxation of the province, and the money raised for these purposes by local assessment was, so far as it fell upon Catholics, applied only towards the support of Catholic schools. What is the position of the Roman Catholic minority under the Act of 1890? Schools of their own denomination conducted according to their views, will receive no aid from the state. They must depend entirely for their support upon the contributions of the Roman Catholic community, while the taxes out of which the state aid is granted to the schools provided for by the statute fall alike on Catholics and Protestants. Moreover, while the Catholic inhabitants remain liable to local assessment for school purposes, the proceeds of that assessment are no longer destined to any extent for the support of the Catholic schools, but afford the means of maintaining schools which they regard as no more suitable for the education of Catholic children than if they were distinctively Protestant in their character.

And further on the judges of the Privy Council added the following important words, to which, hon. gentlemen, I cannot too strongly claim your attention, conclusive as they are in regard to the position I maintain:

As a matter of fact, the objection of Roman Catholics to schools such as alone receive state aid under the Act of 1890, is conscientious and deeply rooted. If this had not been so, if there had been a system of public education acceptable to Catholics and Protestants alike, the elaborate enactments which have been the subject of so much controversy and consideration would have been unnecessary. It is notorious that there were acute differences of opinion between Catholics and Protestants on the education question prior to 1870. This is recognized and is emphasized in almost every line of those enactments. There is no doubt either what the points of differences were, and it is in the light of these that the 22nd section of the Manitoba Act of 1870, which was in truth a parliamentary compact, must be read.

Those findings of the Lords of the judicial committee were followed by an imperial order in council which said:

'Her Majesty having taken the said report into consideration was pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that the recommendations and directions therein contained be punctually obeyed and carried into effect in each and every particular, whereof the Governor General of the Dominion of Canada for the time being, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.'

This judgment of the Privy Council was followed in 1895 by the Remedial Order which Sir Wilfrid Laurier summarized in the following words (Debates of the House of Commons, March 12, 1912, page 4992):

Three things are necessary to constitute separate schools; first of all, separate organizations; second, exemption from taxation for public schools, and in the third place, an adequate share of the provincial funds allotted for education.

These things were alluded to in the Remedial Order of the previous government. The government of Manitoba was ordered to enact a law which would give back to the minority:

(a) The right to build, maintain, equip, manage conduct and support Roman Catholic schools in the manner provided by the said statutes which were repealed by the two Acts of 1890 aforesaid.

(b) The right to share proportionately in any grant made out of the public funds for the purposes of education.

(c) The right of exemption of such Roman Catholics as contribute to Roman Catholic schools from all payment or contribution to the support of any other schools.

The great mistake which was made by the government of Sir Mackenzie Bowell in that Remedial Order was that they were ordering the province of Manitoba to do more than they who had passed the Order could enforce. If the province of Manitoba refused to comply with the Order, they could very well have passed a Bill, which would exempt Catholics and the minority from paying taxes to the public schools; they could very well have passed an Act giving the right to the minority to organize their own schools, but they could not by any Act of legislation or by order in council, or in any manner whatever, give away the funds of the province of Manitotba to the separate schools. And in this they made a fatal mistake; they introduced a Bill and, just as we had anticipated, while the Bill authorized the legisalture to pass a Separate School Act, to exempt from taxation the supporters of separate schools, they could not give to the schools any share in the public money and therefore, if the Remedial Bill had become a remedial law, the schools which might have been organized could not have received any funds out of the public treasury; they would be at once placed in a position of inferiority and therefore the settlement could not be satisfactory to the minority.

Such was the contention of Sir Wilfrid Laurier, and I heard some day or two ago my hon. friend from De Salaberry (Hon. Mr Bérque) affirm the same doctrine.

But, as usual, whenever he finds it convenient, Sir Wilfrid has forgotten, and very cheerfully forgotten, what is known as the Dupont amendment, an amendment which the member for Bagot had given notice to the House of Commons, the purport of which was precisely to meet the case of a refusal on the part of the legislature of Manitoba to contribute the proper funds for the maintenance of the Catholic separate schools.

That amendment, read as follows:

Add the following to the 74th section,

'If the legislature of Manitoba does not annually grant such appropriation to separate schools, the Governor General in Council shall, from the net revenue accruing from the school fund, realized from the sale of the school lands in Manitoba and attributed for the support of schools and the maintenance of education in Manitoba, grant any pay to the Board of Education in each year during which such appropriation is not made to the separate schools, a proportionate sum to that voted or granted by the legislature of Manitoba, to public schools, or for educational purposes, and the 'Act respecting public lands,' Cap. 54 of the Rev. Stats. of Canada, is hereby amended accordingly.'

As stated by the Dupont's amendment and by the declarations of Sir Charles Tupper that he was prepared to submit it to the approbation of the Commons, the parliament of Canada had at its disposal the necessary funds to subsidize the separate schools without imposing such an obligation upon the provincial legislature of Manitoba, and in the face of such declarations, everybody will admit that the so-called formidable objection of Sir Wilfrid Laurier against the Remedial Order has no weight whatsoever.

At all events, Sir Wilfrid Laurier came into power and he made a settlement with the province of Manitoba. On what grounds? He will tell us himself:

The policy I have advocated ever since I have entered public life, said he on the 12th March (page 1987 of the Commons' debates), the policy upon which I fought the elections of 1896, is that all such clashings of interests, whenever and wherever they occur, must be settled and can be settled only through compromise, through conciliation, and through appeal to all interested parties to make some sacrifices of opinion, and even pretension, yes, and even of rights, in order to come to an understanding of peace, good-will and harmony in this land. I was elected on that platform, and upon that platform I stood so long as I was in office, not only upon this question of education, which came forward on more than one occasion, during the term of office of the late administration, but even on all similar matters in which there was a clashing of interests.

Let us see now to what kind of conciliation Sir Wilfrid Laurier had recourse in the settlement of the Manitoba school question.

There were two litigating parties in that difficulty: the legislature of Manitoba on one side and the Catholic minority of that province on the other side. The executive of the Dominion having been by the constitutional Act of Manitoba designated as a judge in such a case, and the legislature of Manitoba having peremptorily refused to accept the findings of the judgment rendered by the Remedial Order, nobody would have ever dreamt that a settlement of any kind could be arrived at by a monstrous agreement made between the judge in the case and one of the litigants.

And this is audaciously called a compromise.

It is nothing else than a robbery.

When have the Catholic minority been made a party to such an agreement? It was made behind their back, against their sacred rights.

Conciliation? Never. Spoliation and robbery, it was never anything else.

And politicians are found to proclaim that such a spoliation as for ever brought the final settlement of the Manitoba school difficulty. The Catholic minority of Manitoba has a judgment rendered in its favour and so long as the judgment has not been satisfied, so long as the minority has not been put in possession of the rights guaranteed by the constitution and which still remain guaranteed by that same constitution, no agreement whatsoever made with one of the litigants, outside of the other and against it, can be called an agreement or a final settlement.

When the interested parties can not agree after a judgment has been rendered what

name could be given to the man who ignoring altogether the judgment and the law would intervene without authority to crush the winning party? Force may prevail and crush the rights of a minority under the weight of its might, but for God's sake, do not prostitute the language you may use in giving to that crying injustice the sacred name of conciliation and compromise.

As long as justice will not be meted out to the minority according to the Remedial Order given in 1895, nothing is settled, and nothing can be settled by compromise or conciliation without the agreement of the suffering minority.

The Remedial Order of 1895 has not yet been complied with and Manitoba to-day as in the past is still defying the constitution and trampling upon the rights of the Catholic minority

We know now in what position stands exactly Manitoba when that province comes to us and asks us an extension of territory

Have we not the right to tell Manitoba We will give you what you are asking as soon as you will restore to the Catholic minority of your province the rights of which they have been deprived by your legislation? That right we have and no one could be surprised if we thought fit to exercise it.

But we do not go so far.

What we ask to-day is simply this:

We contend that the Catholic majority or minority of the territory which is proposed to be annexed to Manitoba have educational rights; those rights should be secured by the Bill now submitted to our deliberations.

Are we to be refused such a modest and conditional request?

Are we to be told, without any discussion, by a simple affirmative.

1st That the Catholics of Keewatin have no educational rights, because Keewatin does not belong to the Northwest Territories and consequently can not come under the laws which obtain in the Territories.

2nd That even the laws which govern the Northwest Territories can not give any educational right because the necessary machinery to put those laws in operation has not yet been created.

3rd. That by the British North America Act of 1871, which empowers the Dominion parliament to extend the boundaries of provinces, you cannot force upon a province already constituted as such, any change in its constitution.

Such are at the present moment, the three objections which certain ministers of the Crown formulate against our demands.

I will answer them in a few words. The first objection is based on the contention that the minority of the proposed annexed territory has no educational rights, because the Keewatin district having been set apart in 1876, before the coming into force of the federal legislation, which governed the Northwest Territories, such legislation could not and did not, give to the inhabitants of said districts the educational rights which enjoyed the population of the territories.

But one must not forget that outside the Keewatin district as created by the statute of 1896, there was at the west and at the north of Manitoba, a vast strip of lands, belonging to the Northwest Territories The settlement of Le Pas for example, was in that region which did not form part of the Keewatin district, and the objection raised could not, in any way, apply to that part of the country.

And even if it did apply, nobody could now ignore, who has studied this question or followed the debate that took place, that such an objection as was raised by two ministers of the Crown, has been conclusively answered by the Prime Minister himself, when he said on the 6th of March, 1912:

Let me say that the Revised Statutes of Canada, 1906, were proclaimed and came into force on the 31st day of Janaury, 1907. I pass by the question alluded to by my hon friend the Minister of Public Works and will simply allude to the fact that in July, 1905, an order in council was made by the late administration which, in so far as I have said, was entirely beyond their powers, inasmuch as it exceeded the authority that the statute had bestowed upon it However, when the Revised Statutes were placed before this House in the following session that order in council was

made good in terms by the Revised Statutes, and these statutes are undoubtedly the law of the land to-day. By section 2, subsection (a) of the statute to which I refer, the Northwest Territories included all the territories formerly known as Rupert's Land and the Northwest Territories except such portions thereof as formed the provinces of Manitoba, Saskatchewan, Alberta and the Yukon Territory.

It is, therefore, plain that Keewatin is included in the expression 'Northwest Territories' as used in this statute, and we must look to its provisions to see what right may exist in any body or community of people with respect to eduactional matters in these territories. This statute was in force from the 31st of January, 1907, until the present administration came into power on the 10th of October, 1911. Now, what was necessary for the purpose of carrying into effect the educational provisions which had for some years previously been existent in the Northwest Territories. In the first place, by section 6 of the statute:

The Governor in Council may from time to time constitute and appoint such and so many persons, not exceeding four in number, as are deemed desirable to be a council to aid the commissioner in the administration of the territories; and a majority of the council, including the commissioner—shall form a quorum.

Section 10 reads:

The Commissioner in Council, if authorized to make ordinances respecting education, shall pass all necesasry ordinances in respect thereto: but in the laws or ordinances relating to education it shall always be provided that a majority of the ratepayers of any district or portion of the territories, or of any less portion or subdivision thereof, by whatever names the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein; whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof.

Now, there were two things necessary before that legislation should become operative. In the first place: that the government of this country should appoint a council of four, to assist the commissioner. From the 31st of January, 1907, up to the tenth of October, 1911, no such step had been taken by the administration which preceded us. The next thing necessary was that the Commissioner in Council should be authorized to make ordinances respecting education, and, from the 31st January, 1907, up to the time we came into power, no such step was ever taken by the administration which preceded us. Consequently, it follows directly from that, that during the period which intervened between the 31st of January, 1907, when this law come into force and the time this government came into power, no steps, preliminary or otherwise, had been taken by the Liberal administration for the purpose of making operative in the Northwest Territories, in Keewatin, the provisions I have read with regard to separate schools.

This quotation of the speech delivered by the hon. the Prime Minister victoriously disposes of the first objection and brings into full light the second one, which is made perfectly clear by the following utterances of the Prime Minister:

So far as these statutory provisions respecting separate schools in the Northwest are concerned, they were absolutely non-existent, for the reason, in the first place that no members of the Council had been appointed so as to create a body known as the Commissioner's Council, and in the next place, because the commisison had not been authorized—even though councillors would have been appointed—to make any laws or ordinances whatsoever with respect to the establishment of schools in these territories.

In a most elaborate study of this question the Minister of Justice has sustained the same idea and endeavoured to make good that on that special ground the minority of the proposed annexed territory has no educational right whatsoever.

But the advocates of such a contention have entirely forgotten that under the pact of 1870 which took place between the government of this Dominion and the people of the whole Northwest Territories represented by their delegates 'all the civil and religious rights and privileges of that people were promised to be respected. Surely such a promise, made in the name of the Crown, should be carried through. At all events one would expect that the honour of the Crown will be maintained intact by those who are now its constitutional advisers, and that whatsoever may be the fate of this Bill, the rulers of this country will see that royal promises will be kept to their full extent.

And it is not only in that compact of 1870 that the honour of the Crown is engaged. We, the French and the Catholic people of this country, have rights that were given to us the day the French flag left us under the British Standard, rights guaranteed to us by the treaty of Utrecht and the treaty of Paris, and it is in the name of those two treaties that I claim for the pioneers of the Northwest and

their worthy sons all their civil and religious rights.

My second answer to that second objection is that the exercise of a right is quite a different thing to the right itself. My hon. friend from Ottawa (Hon. Mr. Belcourt) has developed that idea in a very clear way. May I add that it does not become to those who endeavour to prevent the operation of the law to invoke against the rights of the minority the inaction of their own machinery.

The minority, or rather the people of the Keewatin district, have at different times petitioned the former and the present government asking, to put into movement the machinery that would allow them to have the school authorized by the laws of the land.

Here is the petition presented on the 30th November last:

To H. R. H. the Governor General in Council.

May it please Your Highness,—

The humble petition of the undersigned, resident ratepayers of Le Pas, District Keewatin, N.W.T., ask that His Majesty's government will be pleased:—

I. To create (Under provisions made in Revised Statutes of Canada, 1906, chap. 62, cl. 6, in the Northwest Territories, a council destined to aid the commissioner of the said territories in the performance of his duties.

II. To grant to the said commissioner in council (in virtue of chap. 62, cl. 10 as above), authority to make ordinances respecting education.

III. To establish, or cause to be established by the said commissioner in council (in virtue of chap. 62 as above) a school district at Le Pas, limited to the defined area of 500 acres forming the Le Pas townsite.

IV. To declare, or cause to be declared by ordinance (in virtue of chap. 62, cl. 10 as above), that the majority of ratepayers of the said school district may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor.

V. That the minority of the ratepayers therein may (in virtue of the same clause), establish separate schools therein; the ratepayers establishing such separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof.

And your petitioners will ever pray.

JOSEPH SMITH,
ARTHUR LAROSE, M.D.,
MASTAI POIRIER,

November 30, 1911.

What is now the third objection. It has been said that by the British North America Act, 1871, we have no right to impose upon a province any change in its constitution. That may be true, but I will read you clause 3 of that Act, which says:

The parliament of Canada, may from time to time with the consent of the legislature of any province of the said Dominion decrease, diminish or otherwise alter the limits of such province, upon such terms and conditions as may be agreed to by the said legislature and may with the like consent, make provision respecting the effect and operation of any such decrease or diminution of alteration of territory in relation to any province affected thereby.

We see by this law that the government has the power to make a contract with the province of Manitoba. They cannot impose on that province a new system of schools, or a change in their constitution, but they are at liberty to ask the province to agree with them to accept such changes in the constitution, and if the provinces decline, the government is at liberty to refuse to make any arrangement with the province. It is a contract between the federal government on one side, and the legislature on the other. It thus answers the argument about imposing a new order of things. We do not want to impose anything but if the people of Manitoba want an extension of boundaries let them come to us with conditions that all will accept.

Hon. Mr. CHOQUETTE—Do I understand the hon. gentleman to say that the Prime Minister has admitted that Catholics had rights to education in the Keewatin district?

Hon. Mr. LANDRY—No, I thought that he had refused them the rights. He admitted that Keewatin was in the Territories.

Hon. Mr. CHOQUETTE—And they admitted that they should have rights after the council had been formed—they would have the right then?

Hon. Mr. LANDRY—Oh yes, but he says that since 1908 there was a resolution that had been passed by the House of Commons extending the boundaries of Manitoba and Quebec and Ontario, and the effect of that resolution being adopted by the Commons, was that he did not think it advisable to put the law into operation, because, as a

matter of fact, that country in a few days or weeks would become Greater Manitoba.

Hon. Mr. CHOQUETTE—Some of his colleagues were not of the same opinion.

Hon. Mr. LANDRY—I don't know; I am not a member of the cabinet.

Hon. Mr. CHOQUETTE—They said so publicly—they contradicted themselves in the House. The Postmaster General and the Minister of Public Works said the contrary.

Hon. Mr. LANDRY (Speaker)—I don't know; where did they say the contrary?

Hon. Mr. CHOQUETTE—In the other House.

Hon. Mr. LANDRY (Speaker)—I know what they said about Keewatin, but they were contradicted by the Prime Minister himself.

Hon. Mr. CHOQUETTE—That is what I said. But they ought to have resigned if they did not agree.

Hon. Mr. LANDRY (Speaker)—May I be allowed to sum up the whole case in a few words.

The confederation was a compact entered into in 1867, and in such a compact, the rights of the minorities were secured.

The Manitoba Act was also the result of a compact to which the Dominion government and the people of the Northwest Territories were parties. So was the federal legislation of 1875.

In all those compacts treaties in all federal or imperial legislation, the school rights of the minorities were always the object of special enactments, made to secure their existence for ever.

At one time Manitoba violated one of those solemn and binding treaties.

A case was made which from court to court reached the judicial committee of the Privy Council, and an order was given to the Manitoba legislature to remedy the injustice it had committed.

That Remedial Order was signified to the Manitoba legislature, which deliberately, up to this date, has refused to comply with it.

On the other hand that same province, which is still in a state of rebellion against the Dominion is to-day, asking the Canadian parliament for an extension of boundaries.

The territory to be annexed is actually governed by the laws of the Dominion and its population, under such laws, claim that it has a right to denominational and separate schools.

Those rights are denied by certain ministers who contend that the Dominion laws do not apply to the proposed annexed territory, and should they apply, that the proper machinery to render them operative has never existed and, finally, that by the British North America Act, 1871, no change whatsoever could be made in the constitution of Manitoba.

We have established beyond a doubt, that the federal laws govern the proposed annexed territory, that it is not in the power of those who refuse to put the laws in operation to invoke their own faults against the existence of a right and that, under the operation of the British North America Act, 1871, the Dominion has the undisputed power to grant any extension of boundaries subject to the conditions that may be agreed by the two interested parties.

The Dominion parliament has hence the power to grant the extension of boundaries on condition, on the most acceptable condition that, if annexed, the rights of the people in the proposed annexed territory be safeguarded.

Putting aside the contention that the people of the proposed annexed territory have, or have not the rights they claim for and leaving to them alone to debate that question in the proper way, and to obtain from the proper tribunal a final decision, our duty, at all events, is to support the proposition set forth in the proposed amendment, and to safeguard conditionally at least, the rights that may exist.

Placing the question on those grounds, I believe it my imperative duty to vote for the present amendment.